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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

RENE GARCIA,  
Plaintiff(s),

v.

AIDS HEALTHCARE FOUNDATION,  
Defendant(s).

Case No.: 2:19-cv-00404-JCM-NJK

**Order**

[Docket No. 19]

Pending before the Court is a stipulation to stay discovery pending resolution of Defendant's motion to dismiss. Docket No. 19.

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). "The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending." *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). Discovery should proceed absent a "strong showing" to the contrary. *See, e.g., Turner Broadcasting Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a "preliminary peek" at the merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).

1 The instant stipulation seeks a stay of discovery pending resolution of Defendant's motion  
2 to dismiss. Docket No. 19 at 2. The stipulation does not explicitly address whether the motion to  
3 dismiss is so meritorious that it meets the "convincing" standard. *See Kor Media*, 294 F.R.D. at  
4 583.<sup>1</sup>

5 Nonetheless, the Court recognizes the parties' desire to save resources prior to engaging in  
6 settlement discussions at the scheduled Early Neutral Evaluation. Therefore, the stipulation to stay  
7 discovery, Docket No. 19, is **GRANTED** in part. In the event the case is not resolved at the Early  
8 Neutral Evaluation, the parties must file a joint proposed discovery plan and scheduling order, no  
9 later than July 26, 2019.

10 IT IS SO ORDERED.

11 Dated: June 4, 2019

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14 Nancy J. Koppe  
15 United States Magistrate Judge  
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24 <sup>1</sup> The filing of a non-frivolous dispositive motion, standing alone, is simply not enough to  
25 warrant staying discovery. *See, e.g., Tradebay*, 278 F.R.D. at 603. Instead, the Court must be  
26 "convinced" that the dispositive motion will be granted. *See, e.g., id.* "That standard is not easily  
27 met." *Kor Media*, 294 F.R.D. at 583. "[T]here must be *no question* in the court's mind that the  
28 dispositive motion will prevail, and therefore, discovery is a waste of effort." *Id.* (quoting *Trazska*  
*v. Int'l Game Tech.*, 2011 WL 1233298, \*3 (D. Nev. Mar. 29, 2011)) (emphasis in original). The  
Court requires this robust showing that the dispositive motion will succeed because applying a  
lower standard would likely result in unnecessary delay in many cases. *Id.* (quoting *Trazska*, 2011  
WL 1233298, at \*4).